

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Case No. 5:21-cv-361-BO

DISABILITY RIGHTS NORTH)
CAROLINA,)
)
Plaintiff,)
)
v.)
)
NORTH CAROLINA STATE BOARD OF)
ELECTIONS, KAREN BRINSON BELL, in)
her official capacity as Executive Director of)
the NCSBOE, DAMON CIRCOSTA, in his)
official capacity as Chair of the NCSBOE,)
STELLA ANDERSON, in her official)
capacity as Secretary of the NCSBOE, JEFF)
CARMON III, in his official capacity as)
Member of the NCSBOE, STACY EGGERS)
IV, in his official capacity as Member of the)
NCSBOE, and TOMMY TUCKER, in his)
official capacity as Member of the NCSBOE,)
)
Defendants.)

**PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT
(Fed.R.Civ.P. 56; LR 56.1)**

Plaintiff Disability Rights North Carolina, through counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves the Court for an order granting Plaintiff summary judgment against Defendants. In support here, Plaintiff shows the following:

1. Plaintiff Disability Rights North Carolina (“DRNC”), filed this action on September 9, 2021, alleging that several provisions of North Carolina law regarding absentee voting contravene Section 208 of the federal Voting Rights Act. [D.E. 1.]
2. Defendants filed a Motion to Dismiss on November 1, 2021. [D.E. 17, 18.]
3. The parties jointly requested, and were granted, expedited consideration of Defendants’ Motion to Dismiss. [D.E. 28]

4. Defendants' Motion to Dismiss was denied on May 4, 2022. [D.E. 29.]
5. Discovery concluded on June 1, 2022.
6. Plaintiff now moves for summary judgment because Plaintiff is entitled to judgment as a matter of law and there are no genuine issues of material fact precluding judgment in Plaintiff's favor.
7. Plaintiff has filed contemporaneously herewith a Memorandum in Support of Plaintiff's Motion for Summary Judgment and a Statement of Undisputed Facts, with appendix, pursuant to EDNC Local Rule 56.1.

WHEREFORE, Plaintiff requests that the Court grant its Motion for Summary Judgment against Defendants, declare the challenged provisions of North Carolina law to be preempted by federal law, and enjoin enforcement of those provisions as they relate to voters with disabilities.

This 15th day of June, 2022.

Respectfully submitted,

/s/ Lisa Grafstein
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